THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

Writ Petition No.20369 of 1997

Date:31.01.2007

Between

Saladi Satyanarayana Murthy.

----------Petitioner

And

The District Collector and another.

----------Respondents

ORDER:

Petitioner states that he purchased 144 square yards of land in Kothapet Town, from one Smt Chittala Bangaramma, through a registered sale deed, dated 17.09.1977. It is stated that the vendor of the petitioner filed O.S.No.162 of 1947 in the Court of District Munsif, Razole, when disputes arose about the said property and the same ended in compromise. According to the petitioner, he obtained permission from the Kothapet Gram Panchayat on 02.12.1978 and constructed shops over the said land, by obtaining loan from Cooperative Housing Society. The shops are said to have been let out.

The grievance of the petitioner is that the respondents tried to demolish the said shops by treating them as encroachments on the public

property. He contends that no notice or opportunity was given to him, before resorting to such extreme steps.

Heard the learned counsel for the petitioner.

Though ten years have elapsed, ever since the writ petition was admitted, the respondents have not chosen to file any counter affidavit. Learned Government Pleader for Revenue, on instructions, however, submits that the shops, in question, are constructed over the Government land.

Even assuming that the petitioner constructed the shops on a land belonging to the Government or a road margin, the respondents can resort to demolish the same, only after issuing notice to the petitioner. Attempting to demolish the premises straight away would not only be illegal but would also runs contrary to the very concept of rule of law. While admitting the Writ Petition, this Court granted interim stay of demolition.

Therefore, the Writ Petition is disposed of, directing that in case, the respondents intend to

demolish the structures raised by the petitioner, it shall be open to them to do so, only after issuing notice and following the procedure prescribed by law. There shall be no order as to costs.

31.01.2006

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